S.B. CIVIL WRIT PETITION NO.5870/2003.
(REWA SHANKER GAYARI VS. STATE & ORS.)

DATE OF ORDER : 05.04.2007.

HON'BLE MR. GOVIND MATHUR, J.

Mr. Amit Dave for the petitioners.
Mr. Shyam Ladrecha, AGA, for the respondents.

According to the averments contained in this petition for writ, the petitioners were employed as "Udhyan Sakha" in the Department of Agriculture in the office of the Assistant Director "Horticulture", Udaipur in the year 1996. The services of the petitioners were subsequently discontinued by oral orders in the month of March and April, 1999. While giving challenge to the termination from services on various grounds, the petitioners have also prayed for grant of regular pay scale to them and also for regularization of their services in Class IV cadre of the Government of Rajasthan.

The relief with regard to grant of regular pay scale and regularization of service is dependent to the relief pertaining to the termination of the petitioners. In the event of holding the termination of the petitioners valid, there shall be no occasion to consider the question with regard to grant of regular pay scale or regularization in service.

The challenge to the termination is given by the petitioners mainly on the ground that the same has been effected in violation of the provisions of Section 25-F of the Industrial Disputes Act, 1947. The petitioners are claiming protection under the Industrial Disputes Act, 1947, therefore, they are required to avail remedy provided under the Act of 1947 itself. No case is made out by the petitioners for entertaining this petition for writ ignoring the remedy provided under the Act of 1947.

Hence, this petition for writ is dismissed. It shall be open for the petitioners to avail the remedy under the Industrial Disputes Act, 1947 for redressal of their grievances i.e. agitated in this petition for writ.

(GOVIND MATHUR)J.

Anil/